



House of Representatives

General Assembly

File No. 283

February Session, 2010

Substitute House Bill No. 5455

House of Representatives, April 1, 2010

The Committee on Transportation reported through REP. GUERRERA of the 29th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

**AN ACT CONCERNING THE MASTER TRANSPORTATION PLAN,
THE TRANSPORTATION FACILITIES ASSESSMENT REPORT, THE
CONNECTICUT PILOT COMMISSION AND THE CONNECTICUT
MARITIME COMMISSION.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 13b-15 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) The commissioner shall develop and revise biennially a
4 comprehensive, [long-range,] master transportation plan designed to
5 fulfill the present and future needs of the state and to assure the
6 development and maintenance of an adequate, safe and efficient
7 transportation system. In developing the plan, the commissioner shall
8 [investigate and study all existing transportation facilities and services
9 in the state and shall examine the feasibility of planning a long-term
10 commercial transportation system, with the goal of coordinating all
11 transportation services, including airports, seaports, rail, freight and
12 transit systems] consider the department's statutory responsibilities,

13 the guiding principles and transportation strategies adopted by the
14 Governor and the General Assembly, the state conservation and
15 development plan adopted by the General Assembly pursuant to
16 chapter 297, the federally mandated factors specified in the current
17 federal surface transportation authorization legislation, and the
18 department's assessment of existing transportation facilities carried out
19 under section 13b-16, as amended by this act. The commissioner shall
20 also give [particular] consideration to: [reports] (1) Reports and studies
21 [prepared under the auspices of the Connecticut interregional
22 planning program] relating to the planning and development of the
23 state; [and] (2) any existing reports, surveys, plans or studies relating
24 to transportation prepared for or by any agency, board or commission
25 of the state; and (3) regional long-range transportation plans prepared
26 by regional planning organizations in this state.

27 (b) In such master transportation plan the commissioner shall: (1)
28 Set forth the commissioner's recommendations for planning,
29 engineering, acquisition of rights-of-way, construction and
30 reconstruction and rehabilitation and modernization of transportation
31 facilities; (2) consider, among other things, federal air quality
32 standards, conservation and cost of energy supplies, present and
33 projected travel volumes, reduction in travel volumes due to the
34 implementation of transportation management programs, safety,
35 maintenance costs and other sufficiency factors where appropriate, as
36 well as long-range land use, environmental impact, energy impact and
37 economic development patterns of the state; (3) indicate the order of
38 priority of need for improvements within each mode of transportation,
39 according to the commissioner's judgment; and (4) indicate the
40 priorities for the next [two and five-year periods] five-year period,
41 both by need and by fiscal capability, [in the area of public
42 transportation] for each mode of transportation. The indication of such
43 priorities [for public transportation] shall include an individual
44 accounting of the amount and source of all funding for each potential
45 program and an approximate timetable, including the starting and
46 completion dates for each potential program.

47 (c) The commissioner shall, relative to the [Transportation Equity
48 Act for the 21st Century] current federal surface transportation
49 authorization legislation: (1) Identify the funds to be received annually
50 in the [following categories: Interstate construction, interstate
51 maintenance, national highway system, bridge, surface transportation
52 program, interstate transfer, congestion mitigation and air quality,
53 metropolitan planning, special projects and any other category
54 designation under the act] federal program funding categories; (2)
55 identify the projects to be funded annually through each funding
56 category; (3) identify the projects to be funded annually through each
57 category continued or established by such legislation, as a result of the
58 change in formulas and new flexibility allowed under the
59 [Transportation Equity Act for the 21st Century] current federal
60 surface transportation authorization legislation; (4) identify which
61 projects will require the expenditure of state funds to leverage federal
62 funds; (5) identify the amount and percentage of state funds that must
63 be expended for each project in order to leverage federal funds; (6)
64 identify the amount of federal funds that may be expended annually to
65 repair local bridges identified as being in poor condition; (7) identify
66 the economic impact of the federal funds allocated to the state in terms
67 of job creation or retention; (8) identify the mass transit projects to be
68 funded; and (9) identify the manner in which the department intends
69 to comply with the requirements of the Clean Air Act, as amended by
70 P.L. 101-549, and how the department intends to expend any funds
71 allocated to the department to achieve the goals of the act. [; and (10)
72 identify with specificity the expenditures to be made from funds
73 received in the congestion mitigation and air quality grant in relation
74 to the needs identified by employers in their compliance plans
75 submitted pursuant to substitute house bill 5659 of the February, 1992,
76 regular session.]

77 (d) In such plan the commissioner shall identify the amount of
78 funds and projects to be undertaken pursuant to the Americans with
79 Disabilities Act of 1990.

80 (e) The plan shall be completed and submitted biennially to the

81 Governor on or before January thirty-first of each odd-numbered year.
82 The commissioner shall, biennially, on or before January thirty-first of
83 each odd-numbered year, notify all members of the General Assembly
84 of the availability of the plan. The commissioner shall send a written
85 copy or electronic storage media of the plan to any member requesting
86 the plan.

87 (f) In developing and revising the plan, the commissioner may: (1)
88 Conduct public hearings; (2) consult and cooperate with officials and
89 representatives of the federal government, neighboring states,
90 interstate commissions and authorities, local agencies and authorities,
91 interested corporations and other organizations concerning problems
92 affecting transportation in the state; (3) request and receive from any
93 agency or other unit of the government of the state or of any political
94 subdivision of the state, or from any public authority, such assistance
95 and data as may be necessary to enable the commissioner to carry out
96 the commissioner's responsibilities under this section; (4) to the extent
97 the commissioner may deem appropriate, make use of, and
98 incorporate in the plan, any existing long-range transportation plan,
99 survey or report developed by any public or private agency or person;
100 and (5) employ consultants.

101 (g) Copies of the plan, as revised, shall be kept on file as a public
102 record in the office of the commissioner.

103 Sec. 2. Section 13b-16 of the general statutes is repealed and the
104 following is substituted in lieu thereof (*Effective from passage*):

105 (a) On or before September first [~~annually~~] in the even-numbered
106 year of each biennium, the commissioner shall conduct and complete
107 an [~~investigation and study~~] assessment of the several modes of
108 transportation in the state, in which the commissioner shall evaluate
109 the adequacy of the facilities and services connected with each such
110 mode and shall determine the needs of the state transportation system.
111 The commissioner shall [~~consult with the Connecticut Public~~
112 ~~Transportation Commission which shall advise the commissioner in~~
113 ~~matters pertaining to rail and motor carrier facilities and services~~]

114 consider the plans and recommendations prepared by the various
115 boards, councils and commissions that have statutory responsibilities
116 pertaining to the various modes of transportation in Connecticut. The
117 commissioner shall also consider reports, studies, findings and
118 recommendations presented in reports, plans, surveys, and studies
119 relating to transportation prepared for or by any state agency or for or
120 by the state's regional planning organizations. The [studies]
121 assessment shall be used in the biennial revision of the department's
122 comprehensive [long-range] master transportation plan.

123 (b) The commissioner may engage in experimental projects relating
124 to any available or future mode of transportation, including but not
125 limited to, high speed rail service, the development of heliports and
126 any means of improving existing transportation facilities and services.
127 The commissioner may be assisted by the [commission] boards,
128 councils, commissions, state agencies and regional planning
129 organizations referred to in subsection (a) of this section, in connection
130 with any such project.

131 Sec. 3. Subsections (a) and (b) of section 15-13c of the general
132 statutes are repealed and the following is substituted in lieu thereof
133 (*Effective from passage*):

134 (a) There is created within the Department of Transportation, for
135 administrative purposes only, the Connecticut Pilot Commission to
136 assist and advise the Commissioner of Transportation on matters
137 relating to the licensure of pilots, the safe conduct of vessels and the
138 protection of the ports and waters of the state, including the waters of
139 Long Island Sound.

140 (b) The commission shall consist of nine members, one of whom
141 shall be the Commissioner of Transportation or the commissioner's
142 designee and one of whom shall be an active licensed pilot in this state
143 operating on the Connecticut side of the rotation system for the
144 assignment of pilots. The pilot member shall be designated by a simple
145 majority vote of pilots operating on the Connecticut side of the rotation
146 system for the assignment of pilots. The remaining seven members

147 shall be appointed as follows: The Governor shall appoint one member
148 representing a maritime-related industry, which industry shall not
149 include a recreational industry; the president pro tempore of the
150 Senate shall appoint one member representing the public with an
151 interest in the environment who does not have an economic interest in
152 the subject matters of the commission; the majority leader of the Senate
153 shall appoint one member representing the public with an interest in
154 the environment who does not have an economic interest in the subject
155 matters of the commission; the minority leader of the Senate shall
156 appoint one member who shall be a retired ship's master or captain;
157 the speaker of the House of Representatives shall appoint one member
158 representing a maritime-related industry, which industry shall not
159 include a recreational industry; the majority leader of the House of
160 Representatives shall appoint one member representing a maritime-
161 related industry from a shipping agent perspective; the minority leader
162 of the House of Representatives shall appoint one member with an
163 expertise in the area of admiralty law. Each member shall be a resident
164 of the state, provided no member shall be an active licensed pilot,
165 except the one active Connecticut licensed pilot operating in and
166 designated by a simple majority of pilots operating on the Connecticut
167 side of the rotation system for the assignment of pilots. Members shall
168 [be reimbursed for necessary expenses incurred in the performance of
169 their duties] receive no compensation for the performance of their
170 duties.

171 Sec. 4. Subsections (a) to (c), inclusive, of section 13b-51a of the
172 general statutes are repealed and the following is substituted in lieu
173 thereof (*Effective from passage*):

174 (a) There shall be in the Department of Transportation a Connecticut
175 Maritime Commission which shall consist of fifteen members, as
176 follows: (1) The Commissioners of Transportation, Economic and
177 Community Development and Environmental Protection, the Secretary
178 of the Office of Policy and Management and the chairman of the
179 Transportation Strategy Board, established pursuant to section 13b-
180 57e, or their respective designees; (2) four members appointed by the

181 Governor; and (3) one member each appointed by the president pro
182 tempore of the Senate, the speaker of the House of Representatives, the
183 majority leader of the Senate, the minority leader of the Senate, the
184 majority leader of the House of Representatives and the minority
185 leader of the House of Representatives. All appointed members shall
186 serve for terms coterminous with their appointing authority and until
187 their successor is appointed and has qualified. Vacancies on said
188 commission shall be filled for the remainder of the term in the same
189 manner as original appointments.

190 (b) Appointed members of the commission shall be qualified by
191 experience or training and shall include members of the public and (1)
192 a representative of business and industry that is a regular user of
193 Connecticut port freight services; (2) a member or employee of a local
194 port authority; (3) a Connecticut port operator; (4) an operator of a
195 marine passenger service; (5) an elected or appointed official from a
196 coastal community; (6) a user or provider of recreational maritime
197 services; and (7) a working member of a port labor union.

198 (c) The chairman shall be selected by the Governor from among the
199 appointed members of the commission. The members shall annually
200 elect one of their numbers as secretary. The commission may elect such
201 other officers as it deems proper. Members shall receive no
202 compensation for the performance of their duties. [, but shall be
203 reimbursed for necessary expenses incurred in the performance
204 thereof.]

205 Sec. 5. Section 13b-51b of the general statutes is repealed and the
206 following is substituted in lieu thereof (*Effective from passage*):

207 There shall be, within the Department of Transportation, a State
208 Maritime Office which shall: (1) Be responsible for maritime
209 operations, including the State Pier in New London, the Connecticut
210 River ferries and such other operational responsibilities as shall be
211 assigned to it; (2) serve as the Governor's principal maritime policy
212 advisor; (3) serve as the liaison between the state and federal, local and
213 private entities involved in maritime policy activities; (4) coordinate

214 the state's maritime policy activities; (5) encourage year-round use of
 215 water-related industries; (6) work with the Department of Economic
 216 and Community Development and other state, local and private
 217 entities to maximize the economic potential of Connecticut's ports and
 218 other maritime resources; (7) conduct necessary research and planning
 219 activities; (8) assess potential state investments in ports and other
 220 maritime facilities; (9) provide staff support to the Connecticut
 221 Maritime Commission, created in section 13b-51a, as amended by this
 222 act; (10) provide staff support to the Connecticut Pilot Commission
 223 created by section 15-13c, as amended by this act; and [(10)] (11)
 224 undertake such other responsibilities as may be assigned to it by the
 225 commissioner or the Governor.

| | | |
|---|---------------------|-------------------|
| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>from passage</i> | 13b-15 |
| Sec. 2 | <i>from passage</i> | 13b-16 |
| Sec. 3 | <i>from passage</i> | 15-13c(a) and (b) |
| Sec. 4 | <i>from passage</i> | 13b-51a(a) to (c) |
| Sec. 5 | <i>from passage</i> | 13b-51b |

TRA *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

| Agency Affected | Fund-Effect | FY 11 \$ | FY 12 \$ |
|------------------------------|--------------|-----------|-----------|
| Department of Transportation | TF - Savings | 2,500,000 | 2,500,000 |

Note: TF=Transportation Fund

Municipal Impact: None

Explanation

A section by section fiscal impact is presented below.

Sections 1 and 2: The reporting requirements mandated by the bill will not result in additional cost to the agency.

Sections 3 and 4: Eliminating the reimbursements requirement for expenses incurred by members of the Connecticut Pilot and Connecticut Maritime commissions will result in an annual cost savings to DOT of \$2.5 million.

Section 5 conforms statutory language to current practice into statute which has no fiscal impact.

The Out Years

State Impact:

| Agency Affected | Fund-Effect | FY 13 \$ | FY 14 \$ | FY 15 \$ |
|------------------------------|--------------|-----------|-----------|-----------|
| Department of Transportation | TF - Savings | 2,500,000 | 2,500,000 | 2,500,000 |

Note: TF=Transportation Fund

Municipal Impact: None

Sources: Department of Transportation

OLR Bill Analysis**sHB 5455*****AN ACT CONCERNING THE MASTER TRANSPORTATION PLAN,
THE TRANSPORTATION FACILITIES ASSESSMENT REPORT,
THE CONNECTICUT PILOT COMMISSION AND THE
CONNECTICUT MARITIME COMMISSION.*****SUMMARY:**

This bill modifies the scope of the Department of Transportation's (DOT) master transportation plan and the factors the DOT commissioner must consider in preparing it. It requires DOT to prepare an assessment of existing transportation facilities every even numbered year, rather than annually, and specifies the factors the commissioner must consider in developing this assessment.

The bill eliminates reimbursement of necessary expenses for members of the Connecticut Pilot and Connecticut Maritime commissions. By law, the former advises the commissioner on the licensure of pilots, the safe conduct of vessels, and the protection of the ports and waters of the state, including Long Island Sound. The latter advises the commissioner, the governor, and the legislature on the state's maritime policy and operations and various other issues.

Finally, the bill requires DOT's State Maritime Office to provide staff support to the Pilot Commission; it already supports the Maritime Commission.

EFFECTIVE DATE: Upon passage

MASTER TRANSPORTATION PLAN

The bill eliminates the requirement that the DOT commissioner in developing this plan investigate and study all existing transportation facilities and services in the state and examine the feasibility of

planning a long-term commercial transportation system, with the goal of coordinating all transportation services. Instead, it requires the commissioner to consider DOT's statutory responsibilities, the guiding principles and transportation strategies adopted by the governor and legislature, the state Plan of Conservation and Development, the factors that are required to be considered under the current federal surface transportation authorization legislation, and DOT's assessment of existing transportation facilities (described below).

The bill requires the commissioner in preparing the plan, to consider all reports and studies relating to the planning and development of the state, rather than just those prepared under the Connecticut interregional planning program. It additionally requires him to consider regional long-range transportation plans prepared by regional planning organizations in the state.

As under current law, the bill requires that the plan indicate the priorities for the next five years, both by need and by fiscal capability, but for each mode of transportation rather than just public transportation. It eliminates the requirement that the plan indicate these priorities for the next two years for public transportation.

By law, the commissioner must identify the federal funds to be received by DOT annually by category. The bill eliminates the reference to obsolete federal transportation legislation and instead refers to the current federal surface transportation authorization legislation. It also eliminates references to specific funding programs under the former federal legislation.

ASSESSMENT OF TRANSPORTATION FACILITIES

The bill eliminates the requirement that the commissioner consult with the Connecticut Public Transportation Commission, in developing this assessment (CPTC), which must advise him on rail and motor carrier facilities and services. Instead, it requires him to consider the plans and recommendations prepared by the various boards, councils, and commissions that have statutory responsibilities

for the various modes of transportation in Connecticut. It also requires him to consider reports, plans, surveys, and studies relating to transportation prepared for or by any state agency or for or by the state's regional planning organizations. The bill expands who can help the commissioner prepare this plan from CPTC to all state agencies, boards, councils, commissions, and regional planning organizations.

COMMITTEE ACTION

Transportation Committee

Joint Favorable Substitute

Yea 36 Nay 0 (03/16/2010)